

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION

In re: PATRICK D. O'DONNELL	)	
<u>Debtor(s)</u>	)	
	)	CHAPTER 13
AMERICREDIT FINANCIAL SERVICES, INC.	)	
dba GM FINANCIAL	)	Case No.: 16-11566 (MDC)
<u>Moving Party</u>	)	
	)	<b>Hearing Date: 10-15-15 at 11:00 AM</b>
v.	)	
	)	11 U.S.C. 362
PATRICK D. O'DONNELL	)	
<u>Respondent(s)</u>	)	
	)	
WILLIAM C. MILLER	)	
<u>Trustee</u>	)	
	)	
	)	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

Comes now AmeriCredit Financial Services, Inc. dba GM Financial ("GM Financial") filing this its Motion For Relief From The Automatic Stay ("Motion"), and in support thereof, would respectfully show:

1. That on September 17, 2018, Patrick D. O'Donnell filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361 and 362 and 28 U.S.C. 157 and 1334.
3. On May 27, 2015, the Debtor entered into a retail installment contract for the purchase of a 2015 Chevrolet Sonic bearing vehicle identification number 1G1JC6SH8F4163443. The contract was assigned to AmeriCredit Financial Services, Inc. and the Debtor became indebted to AmeriCredit in accordance with the terms of same. AmeriCredit Financial Services is designated as first lien holder on the title to the vehicle and holds a first purchase money security interest in the vehicle. AmeriCredit Financial Services now does business as GM Financial. A true copy of the contract and title inquiry to the vehicle are annexed hereto as Exhibits A and B.

4. As of August 27, 2019, the Debtor's account with GM Financial had a net loan balance of \$9,789.03.

5. According to the August 2019 NADA Official Used Car Guide, the vehicle has a current retail value of \$9,350.00.

6. The Debtor's account is past due post-petition from July 11, 2019 to August 11, 2019 with arrears in the amount of \$700.38.

7. GM Financial alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that GM Financial lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) The Debtor is failing to make payments to GM Financial and is failing to provide GM Financial with adequate protection.

WHEREFORE PREMISES CONSIDERED, AmeriCredit Financial Services, dba GM Financial respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to GM Financial to permit GM Financial to seek its statutory and other available remedies; (2) that the stay terminate upon entry of this Order pursuant to the authority granted by Fed.R.Bank.P., Rule 4001(a)(3) and (3) GM Financial be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

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